

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**FERMIN GONZALEZ,**

**Defendant.**

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**Case No. 8:07CR301**

**ORDER**

This case is before the court on the defendant's Motion for Release From Pretrial Detention (#16). The defendant requests the court to reopen the issue of detention and allow the defendant to reside in Lincoln, Nebraska.

After reviewing the September 12, 2007 initial appearance report of Pretrial Services, and the court's September 13, 2007 Order of Detention (#10), I find that the motion should be denied without hearing.

The defendant is charged in Count I of the Indictment with fraud and misuse of visas, permits, and other documents, and in Count II, with aggravated identity theft. The defendant's proposed release plan fails to address the court's concerns as set out in the Detention Order (#10), specifically, the defendant's prior use of aliases and the Bureau of Immigration and Customs Enforcement detainer. Therefore, I conclude that by a preponderance of the evidence there is no condition or combination of conditions that will reasonably assure the appearance of the defendant as required.

**IT IS ORDERED:**

The defendant's Motion for Release From Pretrial Detention (#16) is denied without hearing.

Dated this 18<sup>th</sup> day of October 2007.

BY THE COURT:

S/ F. A. Gossett  
United States Magistrate Judge